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[Signature]

S/N 10/088,950

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DE SAUVAGE ET AL. Examiner: T. A. VIVLEMORE
Serial No.: 10/088,950 Group Art Unit: 1635
Filed: MARCH 20, 2002 Docket No.: 11669.123USWO
Title: MODULATION OF T CELL DIFFERENTIATION FOR THE
TREATMENT OF T HELPER CELL MEDIATED DISEASES

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-9-04.

By: *Kay Fahland*
Name: Kay Fahland

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction Requirement mailed June 30, 2004. Without acquiescing to the statements made therein, Applicants hereby elect with traverse the claims of Group VIII, claims 15-20, 23-25, wherein the agonist is an antibody, for prosecution in the instant application. Applicants assert that claims 15 and 17 are linking claims with respect to Groups VI-IX. Applicants remind Examiner of the duty to rejoin and examine claims dependent from, or including the limitations of, an allowable linking claim.

Applicants traverse the restriction requirement with respect to Groups I-XIII (claims 1-34). Applicants refer the Examiner to the International Preliminary Examination Report in which Unity of Invention for claims 1-34 was established. Applicants submit that the Examiner has not shown that the determination of Unity of Invention during the International Preliminary Examination was not proper.

The Examiner has also required an election of species. Applicants elect allergic disorders. Applicants further elect asthma. Applicants submit that claims 15-18, 20, and 23-25 read on the elected species.

Examination on the merits is respectfully requested. The Examiner is invited to contact Applicants' representative if prosecution may be assisted thereby.

Respectfully submitted,

12/9/04
Date



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